IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

OP.No. 4749 of 2000(M)

PETITIONER:

C.S.SRINIVAS,
HEADMASTER,
SRI. ANNAPOORNESWARI HIGH SCHOOL,
AGALPADY, P.O. KUMBADJE,
PARDALA, KASARAGOD DISTRICT.

BY ADV. SRI.P.K.MUHAMMED

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DISTRICT EDUCATIONAL OFFICER,**
   KASARAGOD.

3. **THE MANAGER,**
   SRI. ANNAPOORNESWARI HIGH SCHOOL,
   AGALPADY, KARDALA, P.O. KUMBADJE,
   KASARAGOD TALUK.

BY GOVERNMENT PLEADER SMT. T.B.RAMANI for R1 & R2

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ORDER ON C.M.P.NO.7949/2000 IN O.P.NO.4749/2000 M

DISMISSED

20/09/2007 **SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE APPOINTMENT ORDER ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT DTD. 11/08/1998.**

EXT.P2: **COPY OF THE JUDGEMENT IN W.A.NO.867/'91 DTD. 10/06/99.**

EXT.P3: **COPY OF THE JUDGEMENT IN O.P.NO.10471/96 DTD. 10/06/99.**

EXT.P4: **COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 4/08/1999.**

EXT.P5: **COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DTD. 21/01/2000.**

/TRUE COPY/

P.A.TO JUDGE

KSS

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.4749 OF 2000

Dated this the 20th day of September, 2007

JUDGMENT

Notice to the third respondent dispensed with.

In view of Ext.P3, if the petitioner is aggrieved by Ext.P5, he could have appealed against the same before the Director of Public Instructions or the Deputy Director, as the case may be. It is not as if the petitioner is being regulated solely on account of the availability of an alternate remedy by way of an appeal, but the case of the petitioner vis-a-vis the Manager also requires to be considered by the statutory authority.

In the aforesaid circumstances, this writ petition is disposed of without prejudice to contentions of all parties and directing that if the petitioner files an appeal against Ext.P5 within an outer limit of one month from now, the same shall be considered and disposed of in accordance with law.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.4749 OF 2000

JUDGMENT

20th SEPTEMBER, 2007.

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